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OFFICE OF PETITIONS

In re Application of	:	
Ishida et al.	:	
Application No. 09/724,200	:	LETTER REGARDING
Filed: November 27, 2000	:	PATENT TERM ADJUSTMENT
Attorney Docket No.	:	
41211/DBP/K277	:	

This letter is in response to the "REQUEST FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(b)," filed December 28, 2004, notifying the Office of an error in applicants' favor in the initial determination of patent term adjustment. Applicants request that the patent term adjustment indicated in the notice of allowance be reduced from one hundred forty-seven (147) days to one hundred sixteen (116) days.

The request for correction of the initial determination of patent term adjustment (PTA) is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance is **ONE HUNDRED SIXTEEN (116)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On November 1, 2004, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-

identified application. The Notice stated that the patent term adjustment to date is 147 days. Applicants state that an additional applicant delay of 31 days had not been included in the patent term adjustment calculation. Specifically, applicants assert that an amendment and request for continued examination (RCE) in response to the final Office action mailed March 22, 2004 was received by the Office on July 23, 2004, which should have resulted in an additional 31 day reduction to the patent term adjustment based on 37 CFR § 1.704.

A review of the application history confirms that applicants' characterization of the basis for and amount of the additional reduction is correct. Pursuant to § 1.704(b), a period of reduction of 31 days should have been entered for applicant delay beginning on June 23, 2004, and ending on July 23, 2004.

In view thereof, the correct determination of PTA at the time of the mailing of the Notice of Allowance is ONE HUNDRED SIXTEEN (116) days.

As this letter was submitted as an advisement to the Office of an error in Applicants' favor, the Office will not assess the \$200.00 application fee under 37 CFR 1.705(b). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

The application is being forwarded to the Office of Patent Publication for timely issuance of the application.

Telephone inquiries specific to this matter should be directed to Nancy Johnson, Senior Petitions Attorney, at (571) 272-3219.

Karin A. Ferriter
for

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of REVISED PAIR Screen